

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JOSHUA IKEJIMBA,

Defendant.

19-CR-318-3 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

In light of defense counsel's letter of July 21, 2020, the Court is prepared to proceed with the plea and sentencing by videoconference. In light of the protocols involved in scheduling such proceedings, however, sentencing is RESCHEDULED to **August 12, 2020, at 11:00 a.m.** The Court will issue an order closer to the proceeding with details concerning access to the proceeding and other matters.

Defense counsel shall file a letter no later than **July 29, 2020**, indicating whether he would like to speak with the Defendant by telephone fifteen minutes prior to the proceeding and, if so, providing a telephone number at which he will be reachable at that time.

The parties are cautioned that videoconferences are strictly limited in time. In the interest of saving time (given the need to conduct *both* a plea allocution and sentencing in the time allotted), the parties should do as much as possible (e.g., raise sentencing arguments) in writing in advance of the proceeding.

The parties should consult the Court's Individual Rules and Practices for Criminal Cases (available at <https://nysd.uscourts.gov/hon-jesse-m-furman>) for sentencing-related procedures and practices. Consistent with the Court's Rules, the defendant's sentencing submission shall be

filed two weeks in advance of the date set for sentencing. The Government's sentencing submission shall be filed one week in advance of the date set for sentencing. If a party does not intend to file a substantive sentencing submission, the party should file a letter to that effect.

Rule 32(e)(1) of the Federal Rules of Criminal Procedure provides that the Presentence Report cannot be disclosed to the Court "until the defendant has pleaded guilty" unless "the defendant has consented in writing." In order to proceed with sentencing on the same day as the plea, however, the Court will obviously have to review the Presentence Report in advance.

Accordingly, no later than July 29, 2020, Defendant shall file a written consent (either signed personally or, in accordance with Standing Order 20-MC-174 of March 27, 2020, by defense counsel).

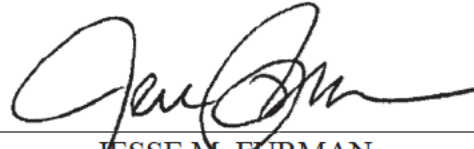
Defense counsel shall discuss the attached Waiver of Right to be Present at Criminal Proceeding with the Defendant prior to the proceeding. If the Defendant consents, and is able to sign the form (either personally or, in accordance with Standing Order 20-MC-174 of March 27, 2020, by defense counsel), defense counsel shall file the executed form **at least one week prior to the proceeding (but ideally by July 29, 2020, along with the written consent form discussed above)**. In the event the Defendant consents, but counsel is unable to obtain or affix the Defendant's signature on the form, the Court will conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add the Defendant's signature to the form.

To the extent that there are any documents relevant to the proceeding (e.g., proposed orders or documents regarding restitution, forfeiture, or removal), counsel should submit them to the Court (by email or on ECF, as appropriate) at least **at least 48 hours prior to the proceeding**. To the extent any documents require the Defendant's signature, defense counsel should endeavor to get them signed in advance of the proceeding as set forth above; if defense

counsel is unable to do so, the Court will conduct an inquiry during the proceeding to determine whether it is appropriate for the Court to add the Defendant's signature.

SO ORDERED.

Dated: July 23, 2020
New York, New York

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', written over a horizontal line.

JESSE M. FURMAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

-v-

,
Defendant.

-----X

**WAIVER OF RIGHT TO BE
PRESENT AT CRIMINAL
PROCEEDING**

-CR- () ()

Check Proceeding that Applies

_____ Entry of Plea of Guilty

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I have decided that I wish to enter a plea of guilty to certain charges. I understand I have a right to appear before a judge in a courtroom in the Southern District of New York to enter my plea of guilty and to have my attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I have discussed these issues with my attorney. By signing this document, I wish to advise the court that I willingly give up my right to appear in person before the judge to enter a plea of guilty. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me as I enter my plea so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date: _____
Print Name

Signature of Defendant

_____ Sentence

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced.

I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf at the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date: _____
Print Name Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date: _____
Print Name Signature of Defense Counsel

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: _____.

Date: _____
Signature of Defense Counsel

Accepted: _____
Signature of Judge
Date: